

Erica Pan, MD, MPH
Director and State Public Health Officer

Gavin Newsom
Governor

December 10, 2025

VIA ELECTRONIC MAIL

Attn: Mr. Tobias Gilk
Radiology / MRI Consultant
MRIPatientSafety.com
tgilk@MRIpatientsafety.com

RE: Response to Petition Requesting Rulemaking for Magnetic Resonance Safety Officer

Dear Tobias Gilk.

Thank you for contacting the California Department of Public Health (CDPH). Your petition for rulemaking was received by CDPH on November 10, 2025, under Government Code section 11340.6. CDPH recognizes the public health concerns raised in your petition which may impact consumers and producers of MRI machines.

However, under Government Code section 11340.7's requirements, CDPH must deny this petition for the following reasons:

Contrary to your petition, California Code of Regulations, title 22, section 70255, subdivision (b), does not state, as cited in your petition, that "Radiological services shall be performed by or under the supervision of a physician qualified by education and experience in radiology." Rather, section 70255(b) currently states, "Sufficient certified radiologic technologists shall be employed to meet the needs of the service being offered." Therefore, it is unclear what regulation you are seeking to amend as the one cited in your petition does not exist.

Moreover, the Radiation Control Law (RCL) effectuates the State policy to protect the public's health and safety by instituting and maintaining a regulatory program for sources of ionizing radiation. (Health & Saf. Code (HSC), §§ 114965 & 114970.) Because the RCL's purpose (HSC § 114970) is specific to ionizing radiation—whereas magnetic resonance imaging (MRI) only uses non-ionizing radiation—MRI regulation is outside the RCL's authority.

The Radiologic Technology Act (RT Act) effectuates the State policy to protect the people of this state from excessive and improper exposure to ionizing radiation. (HSC § 114840.) Because the RT Act's purpose (HSC § 114840) is specific to ionizing radiation—whereas magnetic resonance imaging (MRI) only uses non-ionizing radiation—regulation of MRI is outside the RT Act's authority.

This determination does not in any way affect the merits of your petition nor concerns regarding how MRI machines impact public health. We encourage you to consider contacting your representatives in the California Legislature to address this issue further.

Under Government Code section 11340.7, subdivision (d), any interested person has the right to obtain a copy of the petition submitted to the agency. A copy of the petition and this letter will be posted on the CDPH Office of Regulations website at the following:

https://www.cdph.ca.gov/Programs/OLS/Pages/Petitions_for_Regulatory_Action.aspx

In addition, interested persons may request a copy by contacting the Office of Regulations by email: regulations@cdph.ca.gov, by phone: (916) 558-1710, or by mail: California Department of Public Health, 1415 L Street, Suite 500, Sacramento, CA 95814. If you have any questions, please reach me at Keith.VanWagner@cdph.ca.gov. Thank you.

Sincerely,

Keith Van Wagner

Keith Van Wagner, Assistant Chief Counsel
Office of Legal Services